INTERNATIONAL SEABED AUTHORITY

Council

Distr.
GENERAL

ISBA/4/C/1
26 February 1998

ORIGINAL: ENGLISH

INTERNATIONAL SEABED AUTHORITY
Fourth session
Kingston, Jamaica
16-27 March 1998

REQUESTS FOR EXTENSION OF PROVISIONAL MEMBERSHIP

1. The Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereinafter referred to as "the Agreement") entered into force on 28 July 1996. According to the Agreement, the membership in the Authority of those States and entities which have been applying the Agreement provisionally in accordance with article 7 terminates unless it is extended as provided for in the Agreement. Under paragraph 12 (a) of section 1 of the annex to the Agreement, such States and entities were entitled to continue to participate as members on a provisional basis until 16 November 1996 upon notification to the depositary of their intention to so participate. After 16 November 1996, the Council may, upon the request of the State or entity concerned, extend such membership for a further period or periods not exceeding two years provided that the Council is satisfied that the State or entity concerned has been making efforts in good faith to become a party to the Agreement and the Convention.

2. During the resumed third session of the Authority, from 18 to 29 August 1997, the Council recalled that, by its decisions ISBA/C/9 of 29 August 1996 and ISBA/3/C/3 of 20 March 1997, the membership of the Authority, on a provisional basis, of a number of States had been extended for a period of one year from 16 November 1996 on the basis of requests made by those States. (Those States included, inter alia, Canada and Ukraine.) In view of the fact that the next session of the Authority would be in March 1998, the Council decided that any such State which submits a request for a further extension of membership on a provisional basis beyond 16 November 1997 prior to the next session of the Council shall be deemed to be a member of the Authority on a provisional basis until the end of the next session of the Council, at which time the Council will deliberate on the request.

3. On 10 February 1998, Ukraine submitted a request for a further extension of provisional membership beyond 16 November 1997 for a period of one year and, on 20 February 1998, a similar request was submitted by Canada. The text of the requests submitted by Canada and Ukraine appears respectively in annexes I and II to the present document.

Annex I

CANADA

Letter dated 20 February 1998 from the Legal Adviser to the Department of Foreign Affairs and International Trade of Canada addressed to the Secretary-General

I have the honour to refer to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea adopted by the United Nations General Assembly on 28 July 1994 and, in particular, to paragraph 12 (a) of section 1 of its annex.

Canada requests that the Council of the Authority extend Canada's provisional membership in the Authority to 16 November 1998. The Government of Canada remains committed to the ratification of the Convention as soon as the necessary procedures to enable Canada to ratify have been completed.

(Signed) Philippe KIRSCH
Legal Adviser

Annex II

UKRAINE

Letter dated 10 February 1998 from the First Deputy Minister for Foreign Affairs of Ukraine addressed to the Secretary-General

I have the honour to refer to section 1, paragraph 12 (a), of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, and to the decision of the Council of the International Seabed Authority adopted at its third session on 18 March (ISBA/C/3). In accordance with the above-mentioned the membership of Ukraine, on a provisional basis, in the Authority has been extended for a period of one year, from 16 November 1996.

I would like to inform you that the necessary procedures for the ratification of the Convention by Ukraine are currently under way and are expected to be completed before the end of 1998. At the same time, I would like to note that many provisions of the Convention have already been implemented into current legislation of Ukraine and are actively applied in our country.

In this connection, I have the honour to request the Council to extend the provisional membership of Ukraine in the Authority, beyond 16 November 1997 for the period of one year.

Let me assure you that we will continue to make efforts in good faith to become a party to the Convention and to the Agreement as soon as possible.

(Signed) Anton BOUTEIKO
First Deputy Minister
for Foreign Affairs
of Ukraine